



Ethics News

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David Thomas Appointed Inspector General

David Thomas was appointed by Governor Mitch Daniels on January 10, 2005, to fill the top public safety position in state government. As Inspector General, Mr. Thomas addresses fraud, waste, abuse, and wrongdoing in state government. Mr. Thomas also is the acting director of the State Ethics Commission.

From the Web site of the Office of Inspector General:

Inspector General David Thomas is a fifth-generation Hoosier, born and raised in Clay County. He obtained his degrees at Indiana University and graduated from law school in 1987.

Thomas served as Clerk for the late Judge Robert Neal and Judge Jon Robertson, both of the Indiana Court of Appeals. He then joined the law-firm of Thomas Thomas & Pease where he practiced general civil, appellate and federal law. Thomas next served as Chief Deputy Prosecutor in Parke County and then in 1994 successfully ran for the Office of Clay County Prosecuting Attorney where he was elected to three terms.

Thomas has personally tried over 30 jury trials, including prosecutions in murder, meth labs, narcotics, RICO, sex crimes and other major felonies. He has also conducted multiple grand jury investigations ranging from murder to public corruption RICO offenses. He has filed over 10,000 criminal charges over the course of his prosecutorial career, and has prosecuted cases with the Indiana State Police Cold Case Homicide Team.

To learn more about the Office of the Inspector General,
visit his Web site at
<http://www.in.gov/ig/>.

Recent Enforcement Proceedings

The State Ethics Commission approved the following report on February 10, 2005.

Case 04-C-8

Prior to his employment as an attorney for the state, the now state employee asked his supervisor if he could continue his limited immigration law practice outside of normal business hours. The supervisor informed him that he could as long as: (1) he did not work on private matters at the office; (2) he did not use any equipment owned by the state for his private practice duties; (3) no private practice files would be brought to the office; and (4) any usage of state equipment that proved unavoidable, would be de minimis, and that he would immediately report said usage to his supervisor.

Once employed, the state employee:

- used a state owned copier in connection with his immigration law practice and did not report said usage to his supervisor.
- used his state issued computer to access web sites and store information in connection with his immigration law practice, and did not report said usage to his supervisor.
- engaged in non-state business on state time.

The state employee violated [40 IAC 2-1-9\(f\)](#) when he used a state owned copier and a state owned computer for non-state business purposes. He violated [40 IAC 2-1-9\(g\)](#) when he used such equipment during state working hours.

Without admitting that he violated the ethics rules, the state employee agreed to pay a fine in the amount of \$1,000 to the State of Indiana within 10 days of the acceptance of this agreement by the Ethics Commission.

The state employee voluntarily resigned his state position; does not seek to be reinstated, and agrees neither to seek nor accept employment within the executive branch of Indiana State Government in the future.

The ultimate measure of a man is not where he stands in moments of comfort, but where he stands at times of challenge and controversy.

Martin Luther King, Jr.

Staff Advice

This article briefly reviews questions recently addressed by the Ethics Commission staff. The advice is not intended as a comprehensive analysis of the issue raised. For more information on whether and how this information may apply in another situation, contact your [agency Ethics Officer](#) or the State Ethics Commission.

NOTE: *Please be advised that the opinions in these answers merely interpret and apply the State Ethics Commission's laws, regulations, and policies. The fact scenarios presented in these questions could possibly violate other agency laws, regulations, rules, or policies.*

Q. If a state employee goes to a vendor's office for a meeting, can the employee accept a cup of coffee or soft drink?

A. This is unacceptable unless the employee's agency passes a policy that allows such a practice. This policy could be filed with the Ethics Commission as a standing "waiver" of the gift rule.

Q. If a state employee goes to a meeting at a vendor's place of business, can the state employee get their parking ticket validated?

A. Yes, this would save the state from reimbursing the employee for parking.

Q. Can an employee have a political bumper sticker hanging up in his/her office?

A. No, because the bumper sticker violates the prohibition of engaging in politics on state time.

Q. A state agency received a letter from the *Make a Wish Foundation*. A child who is ill wishes to be in the Guinness Book of World Records for owning the most business cards. Can the agency's employees send business cards for the child?

A. Yes. This would be an acceptable de-minimis use of a business card

Q. May a supervisor buy lottery tickets and raffle them off to her employees to raise morale?

A. Lottery tickets look too much like additional compensation for doing one's state job (especially if someone hit the jackpot). Under the ethics rules, state employees cannot solicit or accept additional compensation for doing their state job. It would be better to bring in prizes that didn't seem so much like money (e.g., snacks, plants, collapsible lawn chairs).

Q. Is it OK for a state employee to call a radio station to attempt to win a lunch for 25 people in her office?

A. This would be OK as long as the employee called the radio station during one of her breaks, and as long as her agency didn't have a business relationship with the radio station or the restaurant sponsoring the lunch. If the employee wins the lunch, the employees receiving the lunch should make sure that they are on their lunch hour when they eat the lunch.

Q. I have been informed that the State cannot purchase coffee for its employees due to the State's ethics rules. Surely, this is incorrect, as providing coffee to employees in the office is a pretty basic part of being an employer.

A. Buying coffee for state employees doesn't violate the ethics rules, but it does violate the State Budget Agency Financial Management Circular. Under this circular, it would be inappropriate for the state to purchase coffee for consumption by employees in a state agency.

Q. My husband's company provides life and health insurance and they are interested in meeting with my boss and the personnel director to pitch their firm as our provider of life insurance. I personally have no influence on the decision as to who would become the provider for the state, I would simply set up the meeting. Am I allowed to do this?

A. There is nothing in the Ethics Code that precludes you from setting up the meeting. The only statute that comes to mind in this situation reads as follows:

IC 4-2-6-9 Conflicts of financial interest

Sec. 9. A state officer or employee may not participate in any decision or vote of any kind in which the state officer or the employee, or that individual's spouse or unemancipated children has a financial interest.

As long as you don't participate in a decision or vote concerning your husband's company, you will not run afoul of the statute set forth above.

If your husband's company ends up doing business with the state, you may have to file a disclosure with the State Board of Accounts to avoid prosecution under the criminal conflict of interest statute. Under this statute, you cannot have a pecuniary interest in a contract with the agency you serve. So contact the Ethics Commission again if your husband ends up getting a contract with the state.

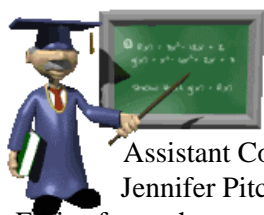
Note: If you would like advice from the Ethics Commission, go to <http://www.in.gov/ethics/advice.html>.

Governor Issues Executive Order 05-12

On January 10, 2005, Governor Mitch Daniels issued Executive Order 05-12 which expanded the jurisdiction of the Ethics Commission to include all special state appointees and all bodies corporate and politic.

[Click here](#) to access Executive Order 05-12 and its impact on the ethics rules.

Ethics Training a Priority



John Davis, Ethics Trainer for the Department of Health, reports that, "every employee (100 %) at ISDH has taken Ethics online or attended a class on Ethics. The only exception would be a person who is on Long Term Disability or Military leave, Our Assistant Commissioner Liz Carroll and our Director of Human Resources Jennifer Pitcher made this a priority for our agency. We will continue to offer Ethics for each new employee."

All staff members of the Teachers' Retirement Fund completed ethics refresher training in late December, 2004. Bill Christopher, Executive Director, required his employees to attend the training.

Did You Know . . .

Ethics orientation is mandatory for all new employees and refresher training is mandatory every two years thereafter? If you have not had ethics training, check the schedule of classes below. You also may take the training online at <http://www.in.gov/ethics/training/orientation/index.html>.

2005 Ethics Classes

Ethics Orientation

(10:00 - 11:00 a.m.)

All classes in TC 1

April 13; June 8; August 23; October 18;
December 5

Supervisors and Managers

(10:00 - 11:30 a.m.)

All classes in TC 2

April 14; June 9; August 25; October 20;
December 8

Classes are in the Training Center (TC), Indiana Government Center South. Room assignments may change. Please check directory on day of class.

To register, call (317) 232-3850 or visit our

Web site at www.ethics.IN.gov